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B. POCKER SAHIB Bahadur :—“ May I know, Sir, whether the Hindu Religious Endowments Board thinks that the retention of this officer is necessary there for ever? ”

The Hon. the RAJA OF BOBBILI :—“ That question was never put to them; they wanted a further extension and it was given.”

B. POCKER SAHIB Bahadur :—“ For how long has this further extension been granted; when will it expire? ”

The Hon. the RAJA OF BOBBILI :—“ I must ask for notice.”

B. POCKER SAHIB Bahadur :—“ Is it not a fact, Sir, that there are two highly paid officers, the Manager and this officer; and are both these officers necessary for the administration of the Board? ”

The Hon. the RAJA OF BOBBILI :—“ I am not aware who the other officer is; but the Government see no reason to disregard the opinion of the Board in this matter.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—STATEMENT OF QUESTIONS RECEIVED AND ANSWERED DURING THE SESSION.

* The Hon. the PRESIDENT :—“ This being the last day of the session, I have to inform the House that the number of questions of which notice was received during this session was 1,111. Of this, the number admitted was 880; that withdrawn before admission was 14; that disallowed was 169; and that referred back to the Members of the Legislative Council for further information but not received back from them was 48. Of the 880 questions admitted, four have been withdrawn by the Members putting them, one lapsed by the resignation of the Member of the Legislative Council and 874 have been answered by the Government. Only one question has lapsed unanswered.”

III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 12 OF 1931)—CONSIDERATION OF AMENDMENTS RECOMMENDED BY HIS EXCELLENCY THE GOVERNOR.

* The Hon. the PRESIDENT :—“ The next item on the Agenda is the Bill further to amend the Madras Estates Land Act, 1908, for certain purposes (Bill No. 12 of 1931), as returned by His Excellency the Governor. I have read out the message already. The House will now proceed to deal with the amendments. Mr. K. R. Venkatarama Ayyar will move his motion.”

* Mr. BASHEER AHMED SAYEED :—“ Before he moves his motion, may I rise to a point of order? The Standing Orders say that a Bill, when referred back to the Council by His Excellency the Governor, ought to be taken on the next available official day. Now, Sir, the official days and non-official days are specifically fixed by the Governor from time to time under the power vested in him. Budget days

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allotted for the voting of supplies belong altogether to a different category and are governed by a different set of rules. Already a certain inroad has been made into the Budget days allotted for the voting of supplies. I should have raised the point even then; but somehow it was missed. Now, as to the specific number of eleven days allotted for the voting of grants, nobody can have any right to encroach upon them, unless it be that His Excellency the Governor himself alters the programme of dates and says: 'I shall give you less number of days than I have already allotted.' Even that question seems to be doubtful, whether under the rules, such a power vests in His Excellency the Governor, after having once fixed the days and the Council having been seized of the matter. The Leader of the House has no doubt the right so far as official days are concerned; but in the case of these special days fixed for a specific purpose in a year, and fixed long ago by His Excellency the Governor under the Statute, I do not think, Sir, that the Leader of the House or anybody for the matter of that, can have anything to do with the curtailing or increasing the number. These eleven days allotted by His Excellency are for a specific purpose, and only available for the voting of supplies. To no other purpose can these days be put and no other subject could be dealt with or considered, unless and until the whole House, without any single Member objecting to such alteration, agrees to the allotment of any day for any other purpose than what it has been allotted for. I do not therefore see, Sir, how this Bill can be brought up now. This cannot be brought up even if a single Member objects to the day being used for any purpose other than that for which it was allotted. I contend that we should proceed with the voting of grants and not use the day for the consideration of the Estates Land Act (Amending) Bill.

"I do not also know, Sir, how the administration of the Government is going to come to a serious standstill or how there is going to be a set back or how the maintenance of Law and Order in the country will be seriously disturbed by not passing a measure like this so urgently. Only in such extreme cases, Sir, the Governor himself can interfere with the allotment of these days. The days have been allotted for a specific purpose and no case has been made out so far that if this measure is not going to be taken into consideration and passed before the close of this session, the Government will come to naught. I do not think, Sir, there is any justification for taking away one day from out of the eleven days allotted for the voting of grants. I therefore submit that you should rule that this subject cannot be taken up to-day."

* The Hon. Sir MAHOMED USMAN:—"Sir, there is no point in my hon. Friend raising the question now. Yesterday, Sir, we discussed it fully and I told the House that (at the desire of the Leaders of

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groups His Excellency has ordered that we should utilize a portion of this day for this purpose. Yesterday evening, the whole question was thrashed out. My hon. Friend was not here then. I do not think, Sir, he is in order in raising the question to-day."

* The Hon. the PRESIDENT:—"Rules provide only for the allotment of non-official days by His Excellency; all other days have to be construed as official days. His Excellency, with due regard to the wishes of some hon. Members of the House, and with the consent of Leaders of Parties, has withdrawn one and a half days already. In view of the urgent necessity of getting through the business that has now been reached, a portion of this day has been withdrawn now, and His Excellency has given his consent to that. I do not think, the hon. Member is right in raising the point of order now."

Mr. BASHEER AHMED SAYEED:—"May I know, for my information, whether that order has been communicated to you or to the Council and whether any copy of the order withdrawing the day has been placed on the Table of the House?"

* The Hon. Sir MAHOMED USMAN:—"As (the Leader of the House) I have communicated to the House the oral orders of His Excellency."

Mr. BASHEER AHMED SAYEED:—"Was it an oral order, Sir?"

The Hon. Sir MAHOMED USMAN:—"Yes."

11-30
a.m.

* Mr. K. R. VENKATARAMA AYYAR:—"Mr. President, Sir, I wish to raise with your permission a point of order with regard to the official motion introducing certain amendments. With regard to amendment No. 7 introducing a new sub-clause to clause 127, my point of order is that it is entirely outside the scope or range of the Hon. Sir Archibald Campbell's Bill and therefore cannot be introduced now for consideration."

"Another point which may perhaps be dealt with separately is also a point of order, i.e., namely . . ."

Rao Bahadur A. T. PANNIRSELVAM:—"Will the Hon. Member address a little bit louder so that we on this side may hear what he is saying."

* The Hon. the PRESIDENT:—"The hon. Member is requested to speak a little louder. To-day particularly, he is not audible."

* Mr. K. R. VENKATARAMA AYYAR:—"Yes, Sir. My submission is that the new sub-clause which is introduced in amendment No. 7 as sub-clause (2) to clause 127, is outside the scope or range of the Hon. Sir Archibald Campbell's Bill; and therefore cannot be introduced for consideration. Another point arising in connexion with it is that just above the proviso to the proposed sub-clause (2) and in the last

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portion of the sub-clause, it is proposed to stay all proceedings involving a decision whether or not the inamdar has the kudivaram right in such land until the first day of November 1935, that may be pending even before the High Court. This legislation is calculated to affect the jurisdiction and powers of the High Court in regard to a matter pending before them. This is outside the competency of this Council. These are the points, Sir, with reference to which I would request you to give a ruling."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I do not think, Sir, that amendment No. 7 is one which cannot be taken into consideration on the motion of His Excellency the Governor. It is part of the amendments which His Excellency in the exercise of his powers has recommended in returning the Bill for reconsideration by the Council; and it is open to His Excellency to recommend that these amendments be made. This amendment is an essential part of the amendments which His Excellency has proposed in order to carry out the intention which His Excellency has expressed, not of vetoing the proposals made absolutely, but of giving the House further opportunities for considering these amendments at a later date."

"As regards the question whether this clause will affect the jurisdiction of the High Court, that, Sir, is a matter which can be taken up in any proceedings before the High Court and the High Court will no doubt decide whether this clause, if passed, will affect their jurisdiction in any particular case."

* Mr. K. R. VENKATARAMA AYYAR:—"May I know, Sir, whether it is the point of the Hon. Revenue Member that the restriction that the amendments should not be outside the scope of the original Bill may not apply to the case of amendments recommended by His Excellency the Governor under section 81-A of the Government of India Act?"

* The Hon. Sir ARCHIBALD CAMPBELL:—"I did not admit that the amendment is outside the scope of the Bill."

* Mr. K. R. VENKATARAMA AYYAR:—"The hon. Member says that the proposed sub-clause is not foreign to the original Bill. Leaving apart the question of whether it is foreign to or within the scope of the Bill, is it competent for His Excellency to recommend such an amendment even though such an amendment would not be within the competency of any Member of this House to introduce? If it is the intention of the Hon. the Revenue Member, I must say that the Government of India Act does not make it competent for His Excellency the Governor, when he recommends certain amendments on the occasion of his sending a Bill for re-consideration, to make any amendments which would be beyond the competency of this House on the

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Bill. If it is impossible for any hon. Member to propose an amendment foreign to the original Bill, it is equally beyond the competency of His Excellency the Governor to recommend the consideration of any such amendments; for, after all the amendments have to be considered by this House and passed, and the ambit of recommendation cannot be wider than the ambit of the competency of this House to consider amendments and pass them. There is nothing in the language of the concerned section of the Government of India Act, which makes it competent for His Excellency the Governor to make a wider amendment than it is competent for the House to consider. I will leave it there. Next, is this clause really foreign to or outside the scope of the Bill or is it within the ambit of the original Bill? Now, the object of the sub-clause is to take away for a period of two years from the 1st November 1933, the proprietary rights of inamdars."

* The Hon. the PRESIDENT:—"The Hon. Member will be in order to discuss the merits of the sub-clause when we actually reach the clause. As regards the point of order raised, I think the amendment now proposed is quite relevant to the Bill under consideration. As regards the second point, whether the High Court will be bound by this law, I do not propose to give any ruling upon that because the High Court will take care of itself."

* Mr. K. R. VENKATARAMA AYYAR:—"I am not going to discuss on this occasion the merits of the sub-clause. I was going to explain how it was outside the scope of the original Bill."

* The Hon. the PRESIDENT:—"The Hon. Member may make his motion."

* Mr. K. R. VENKATARAMA AYYAR:—"Mr. President, I shall move the motion that stands in my name, i.e.—

'that the consideration of the amendments suggested by His Excellency the Governor, in particular amendment No. 7, now before the House, be adjourned to the next session of the Council.'

If the amendments were confined to amendments Nos. 1 to 6, that would be another matter. But so far as amendment No. 7 is concerned, it deals with and it introduces a serious curtailment of the rights of the inamdars for a period of two years. May be that when the proposed Government Bill is introduced early next session, this sub-clause may be taken up for re-consideration and the House may be enabled in that way to deal finally with the matter which is temporarily dealt with under this clause. But what that Bill is going to be and when it will become law, nobody could be very precise about. That being so, the question is whether it could be just to deprive the inamdars of a very valuable right, indeed of more than one valuable right, by means of this clause, as would be the case if this clause becomes law. After all

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the object of the authors of this clause is only to prevent any unfair or arbitrary eviction of tenants by the inamdars during the period immediately following the passage of this Bill into law. Such an object could be achieved by a less drastic clause; but this very drastic clause has been introduced. As it is the avowed intention of the Government to proceed quickly with the next Bill—we are practically now at the far end of the session and the courts will also be having their vacation; it is not as if any eviction proceedings are going to run their careers during this short period of two or three months, which alone have to pass before the Bill is introduced by the Government and taken up for consideration—if it is found really necessary that any wholesome object is to be achieved by the bringing in of any such clause as is now introduced with or without modification, there will be time enough to take it up and as the first thing for consideration in the next session before we take up the Bill of the Government for consideration.

“ Essential transitional interests may be safeguarded by the passage of the clause with suitable amendments and the next Bill may thereafter be proceeded with. But if we now commit ourselves to this clause and find ourselves next session without a substantive Bill satisfactory enough for this House to pass, the injury will remain and it would have deprived the inamdars of substantial rights of property and left them without any remedy at all in respect of their primary right to collect rents during these two years from their tenants.

“ If this clause became law, what would result is, that suits for 11-45
rents could not be instituted before the revenue courts. Of course, a.m.
these inam villages are not ‘ estates ’ within the meaning of section 3 (2) (d) and admittedly the position is one in which the inamdars assert that the kudivaram right is vested in them, and the only court open to them therefore for suits for rent is the civil court. If a suit is filed for rent before a civil court, and the tenant, however, unrighteously and vexatiously, raises the question that there is no jurisdiction because the kudivaram is not vested in the plaintiff, then if this clause is passed, the trial and decision of such an issue are barred, and there is no court open to the inamdar for obtaining a decree for arrears of rent during these two years. Now, that is a position of affairs which it would be really dangerous to reach. No class of His Majesty’s subjects in this country can really be dealt with in such an outright arbitrary fashion. It is as if you turn to them and say, ‘ you no doubt have your unquestionable right to the recovery of rent, to obtain decrees for rent . . . ’ ”

Rao Bahadur A. T. PANNIRSELVAM:—“ On a point of order, Sir, may I remind the hon. Member that there is a shorthand-writer taking down his speech and that his speech is not written down in longhand? ”

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* The Hon. the PRESIDENT:—“ Probably the hon. Member is referring to the unusual slowness of the hon. Member speaking to-day.”

* Mr. K. R. VENKATARAMA AYYAR:—“ I am afraid, Sir, that there must be a limit to the right of interruption. This is nothing short of interruption.

“ I say, Sir, that it would be very unrighteous to turn to a class of His Majesty's subjects of this country and tell them that the revenue court is barred against them, the civil court by this enactment would also get barred against them and there would be no tribunal before which they could go for obtaining decrees in respect of their claims for arrears of rent. (Sriman M. G. Patnaik Mahasayo: Institution of suits is not barred.) My Friend Mr. Patnaik points out that institution of suits is not barred but only anything beyond the institution, by way of progress of suits for rents, is barred under this clause. I wonder what is the value to a litigant of having the liberty merely to spend money for the purchase of courts-fee stamps and putting in his claim, when the further progress of that litigation is admittedly blocked and barred for a whole period of two years? I suppose nothing but the very bad heart of those who propose such a scheme of blocking would find satisfaction in the additional disadvantage inflicted upon the inamdar of having the grim privilege of wasting his money upon a futile litigation which could not be proceeded with. I say, Sir, that it is a very extraordinary legislation for the Government to embark upon, the only result of that legislation is to close the doors of the constituted tribunals of this country to a class of His Majesty's subjects who have valuable and admitted property rights. Of course the right to recover rent whether the position of the inamdar is to be regarded merely as that of a melvaramdar or as melvaramdar cum kudivaramdar is there. The right is unquestioned and unquestionable, but what is the value of that right if there is no court before which it could be enforced during a whole period of two years? Do you really reduce them, taking the responsibility therefor, to the position of a class of outlaws to whom the law of the land would not be available? What is that sin or crime of theirs? Are they alien enemies, and are we passing through a state of war now that you are feeling free in conscience to deal with them as if their elementary right to recover rent should stand barred and that there should be no court with its doors open in this country for entertaining and proceeding with their suits? I think that is a dangerous result which could not really be the intended result of any acceptable piece of legislation and for Government to make themselves responsible for this type of legislation, really passes my comprehension.

“ Then, really the effect, if this clause were passed, would be to leave the inamdar even worse than if the Bill had not been remitted;

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and if the amendments that were carried in November last had really been accepted and assented to. If that were the case, there would be the certainty of the position in regard to the inamdar that he would be exactly on a par with a mere melvaramdar, such as the zamindar is, and that he could realize his rent by sale of the holding. That is impossible, because the sale of the holding leads up to ejectment. Without the consequence of ejectment following the sale of the holding, by itself it is no good. But here all proceedings in ejectment of any tenant are barred for a whole period of two years, so that you leave a casual tenant of the 1st of November 1933 in unquestioned and unquestionable possession for a whole period of two years with liberty to appropriate to himself, not only the cultivator's share, not only the kudivaram share of the income, but also the melvaram share. Would any tenant with such immunity vouchsafed to him under this clause be at all minded to pay up the rent?

“Now, Sir, what is the policy of the present Act I of 1908? The policy of that Act is to ensure the due payment of fair rent to the landholder. Now, that policy is seriously frustrated by the counter-policy underlying this sub-clause, namely, that no tenant under an inamdar need pay his inamdar or the landlord the rent due from him for a whole period of two years, and if he withholds payment of rent, he cannot be ousted from the land. Not only that, even if he goes beyond and commits waste and renders the property permanently unfit for agricultural purposes, even then he cannot be ejected from the land. The result is to pat him on the back and tell him, ‘You may do whatever you like with this piece of land of which you happen to be in possession at the moment as a cultivating tenant and the real proprietor has absolutely no remedy against you, not even the remedy which the zamindar has under section 151 of the Act to eject a tenant if he makes the holding permanently unfit for agricultural purposes.’ Section 151 is practically abrogated by this sub-clause as a side result. Then, again, the Government would naturally expect these inamdars during this period of two years to pay quit-rent and jodi and yet they would leave the inamdar absolutely without any means of recovering rent from the cultivating tenant. The tenant, as often happens, or might easily happen in such a case, is not a man of very great substance, and he may during this period of two years take the best advantage he can by selling his rights, whatever they are, and forcing upon the inamdar some passer-by who may be even more slender in substance than he himself, with the result that at the end of two years, the inamdar might find his land absolutely valueless, so far as capital is concerned, and without any means of making good his due share of the income from the land for the two years in which by force of this legislation he has been without the means of recovering his rent. I submit, Sir, that is

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a very serious provision and it could not have been within the fair intention of the authors of this clause.

“In view of these serious consequences, I would like to suggest especially as we are at the fag end of the session and especially as during the vacation months of the courts no serious consequences detrimental to the tenants would be worked out by means of judicial proceedings in courts, the fairer course would be for the amendment (No. 7) to be brought up early next session side by side with and if necessary before the Government Bill upon the main subject of the settlement of the relationship between the inamdar and his tenants is taken up; that would certainly enable the House to go into the matter with fuller and closer attention and to provide safeguards from the point of view of the inam tenants, such as might be required, without necessarily inflicting all this serious injury upon the inamdars. I would therefore move this amendment that the consideration of the suggested amendments and in particular amendment No. 7 be adjourned to the next session of the Council.”

Mr. U. C. SUBRAHMANYA BHATT:—“Mr. President, Sir, I have great pleasure in seconding this motion of my hon. Friend, Mr. Venkatarama Ayyar. In doing so, I should like to answer one of those arguments which were raised yesterday and which could possibly also be raised to-day against postponing the further consideration of this Bill. That argument was, if this Bill is adjourned to another session of the Council, there is no knowing as to whether it is possible to finish the consideration of the Bill, because the question of whether the Council is to be dissolved or not is yet hanging in the balance. As against that argument, I would like to submit that anyhow the life of this Council has been extended till November next and we are sure to meet some time before that and the consideration of this Bill may be taken up at that meeting. Even if it is settled to dissolve the Council earlier, surely, Sir, a meeting of the Legislative Council could be called before it is dissolved and this Bill might be considered. Sir, this Bill has been referred back to this Council and the Members of this Council have not been given sufficient notice to assemble here and discuss or to consider the amendments which have been suggested. As such also, I submit that an adjournment on the consideration of this Bill should be advantageous because the House will have sufficient time to consider the effect of the various amendments and also for those Members who are not present here to attend the adjourned meeting.”

* DR. P. SUBBARAYAN:—“Mr. President, Sir, perhaps, I may shorten the proceedings, if I say a word or two on this occasion. I have been asked by various people why I gave consent for this measure to be taken up now. I carefully considered the matter when the Hon. the Leader of the House and the Hon. the Revenue Member asked me about it.

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I felt that as this Bill had been on the anvil for a long time and as it was necessary that it should be put on the statute book as soon as possible there was no harm in having this Bill discussed to-day. For this reason, I gave my consent to take up this measure. I hope hon. Members will see the reasonableness of the suggestion and not put obstacles in the way of considering it. I think, whatever may be the case, the Council has by a large majority come to a certain conclusion and His Excellency has been pleased to state that opportunity has not been given to discuss the merits of the case of the inamdars. He has remitted the Bill back as approved by the Select Committee and at the same time, he has naturally thought fit to restrain the inamdars from taking action with regard to ejection, etc., because now that notice has been given to the inamdars distinctly that some day or other some legislation may come, the inamdars may rush into courts which otherwise they may not have done. That is the reason why this amendment is necessary. At the same time, as I told the Hon. the Revenue Member and other Members, I was not satisfied with the draft amendment of clause 127 and I am sure when difficulties are pointed out, my hon. Friends, the Hon. the Revenue Member, Mr. Muniswami Nayudu and the Hon. the Chief Minister, may see the reasonableness of some of the objections that may be put forward. Therefore, in the interest of everyone concerned, it is much better to go on with the measure now rather than move a dilatory motion. So, I request my hon. Friend, Mr. Venkatarama Ayyar, to withdraw his motion and agree to the amendment being considered now."

* Mr. K. R. VENKATARAMA AYYAR:—"It was far from my mind to interpose any obstacle merely with the object of interposing obstacles in regard to the passage of this measure. Except for amendment No. 7 introducing the new sub-clause in regard to which some difficulties have been pointed out by me, I should not have brought this motion at all. But in view of the suggestion made by my Friend, the Leader of the Opposition, that once we get into the merits of this clause, the difficulties pointed out would be considered in the proper spirit by the Hon. the Revenue Member, the Hon. the Chief Minister and my Friend Mr. Muniswami Nayudu and in the hope that they will not utilize the opportunity afforded by the withdrawal of this motion for retaining that clause with all its defects and difficulties, but will be partially meeting our points of view, I beg leave, Sir, to withdraw the motion for adjournment. But I do so with considerable hesitation and fully in the hope that the merits of the clause will be taken up for a fair and reasonable consideration and all fair and reasonable amendments to the clause would be dealt with on their merits."

• The motion was, by leave, withdrawn.

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The following amendments were put from the Chair and carried:—

1. Clause 4 (2).—For this clause, substitute the following, namely:—

“(2) for sub-clause (d) of clause (2), the following sub-clause shall be substituted, namely:—

“(d) any village of which the land revenue without the kudivaram has been granted in inam to a person not owning the kudivaram thereof, provided that the grant has been made, confirmed or recognized by the British Government.”

2. Clause 4 (4).—For this clause, substitute the following, namely:—

“(4) at the end of clause (10), the following shall be added, namely:—

‘and includes—

(a) all land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the commencement of this Act; and

(b) all land in an estate within the meaning of sub-clause (d) of clause (2) the entire kudivaram interest in which has been acquired by the landholder before the first day of November 1933, provided that where such interest is acquired by surrender or abandonment of the land by the ryot or by purchase at a sale for arrears of rent, the land is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years since the acquisition of the land.’ ”

3. Clause 5—New section 6 (1) (i).—Omit explanation (2); and (ii) for the figure ‘(3)’ in explanation (3), substitute the figure ‘(2)’.

4. Clause 7—New section 8 (1), (3) and (5).—In New section 8—

(i) to sub-section (1), add the following proviso, namely:—

“Provided that nothing in this sub-section shall be deemed to apply to land in an inam village which becomes private land within the meaning of sub-clause (b) of clause (10) of section 3”;

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- (ii) in new sub-section (3), before the words 'have the effect of converting ryoti land into private land,' insert the words and figure 'except in the case referred to in the proviso to sub-section (1)'; and
- (iii) Omit sub-section (5).

5. Clause 86—New section 163-A (1) (a).—For the word and figure 'Explanation (3),' substitute the word and figure 'Explanation (2).'

6. Clause 104—Section 185.—Omit the following, namely:—

"for the words and figures 'was before the first day of July 1898 specifically let as private land,' the words letter and figures 'was specifically let as private land before the first day of July 1898 or in the case of any estate within the meaning of sub-clause (d) of clause (2) of section 3, before the first day of July 1918' shall be substituted; and"

Amendment No. 7 under clause 127.

* Mr. K. R. VENKATARAMA AYYAR:—“Sir, I shall move one after the other the amendments I have given notice of. I propose the omission of the words—

'and all proceedings involving a decision whether or not the inamdar has the kudivaram right in such land'

in the proposed sub-clause (2) to clause 127.

“My object in moving this amendment is to enable the inamdar to have some forum before which he can at least file suits for rent during this period of two years. As I said before, he cannot go before a Revenue Court because his village is not an 'estate' falling under the main Act. The only court available is the civil court and, if these words which I propose to be omitted are enacted as part of the clause, the effect is to close the civil court also to the inamdar even when his sole purpose is not to eject the tenant but to get a decree for rent. That, as I have already submitted to the House earlier this morning, will be an arbitrary and unreasonable mode of dealing with a class of His Majesty's subjects, the inamdars. There must be some forum before which they should have the opportunity, during this period, of obtaining decrees for their unquestioned and unquestionable rent. Otherwise, you will in effect be telling these people: 'His Majesty's courts of law are not open to you for the vindication of your admitted right.' I submit, Sir, it is therefore necessary to get rid of these words which, if got rid of, would remove the obstacle which would exist in the way of rent suits being filed. I do not think it is the intention of the authors of the clause to shut out the forum for rent suits. I do not think more need be said in support of this very modest

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amendment which, after all, is intended only to exhibit the authors of this clause in a fairer light than they themselves have cared to exhibit themselves in."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"I beg to second this motion. My reason for supporting this amendment is only this: The Government is proposing to bring in legislation to set right all matters relating to inams. It may be that that legislation will take some time. It is proposed that it should be brought in in the next Council. I do not know whether that intention will be carried out or not. But even if it is carried out, there is the possibility of these questions being dragged on for a considerable time. The provision which is enacted here is clause 127 (2) applicable to all the cases relating to inams. The result may be that a person who is ordinarily entitled to rent and on which he lives will be debarred from going to court and collecting it. That, it seems to me, is a state of affairs which is not fair. It may be, Sir, that the question whether he can be ejected or not may be at issue; but the other question about the rent due, whether as occupancy tenant or as an ordinary tenant, is not at all a matter in doubt. I do not want that the liability to pay rent which will be more or less admitted should be held over on account of the fact that this other question of the right to tenancy or not being raised has to be decided in these suits. It is only to that extent that I want that we ought to be fair to these people and not debar them from going to court and getting the rent to which they are justly entitled.

"After giving notice of this motion, I saw that there was probably one difficulty in the matter, namely, the question of title may be raised and it may have to be decided. To meet that difficulty I am prepared to add a provision that as regards title such suits will not be binding. If this is done, I believe the Government can have no difficulty in accepting this amendment. Of course the position will be this: during the two years the question of title is not to be gone into. It will not ordinarily be gone into and any suits filed for the purpose of ejectment will not be gone into, but only suits filed for the recovery of rent will be decided. Further, in case any question of title is decided in such suits that decision will not be binding so far as any Bill that may be passed hereafter is concerned. With a proviso of that kind if this amendment is passed, I submit we will be satisfying all concerned. I would ask the Government to look at the matter from both standpoints and agree to the course I suggest."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I cannot accept this amendment. The Mover appears to fear that inamdars would be prevented during a period of two years from recovering their rent if they claim kudivaram right. This clause will not prevent

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an inamdar who admits that the tenant has kudivaram right from recovering his rent under the Estates Land Act, nor will this clause which His Excellency has proposed affect any case in which the inamdar has already obtained a valid decree of a civil court to the effect that he has the kudivaram right. It is only in cases in which the inamdar claims the kudivaram right but has not obtained a decree that this clause will come into operation.

“ My hon. Friend, Mr. Venkatarama Ayyar, repeatedly used the term ‘ two years,’ as if this clause will be really in effect for two years. I suggest that this clause was introduced by His Excellency the Governor merely to prevent the acquisition of rights which might be affected by the amendments which we are now removing from the Bill but are to be considered again later. If they are finally adopted by this House no steps should be taken which would interfere with the intention of the House. The period for which this clause would be in operation will not be two years. It will not come into operation until the Viceroy’s assent has been published to the Bill as amended. We then hope to introduce a Bill with amendments, similar to those now deleted by the first six clauses in the July or August session of the Council. It will then be open to the House either to consider the Bill at once or to refer it to a Select Committee. That Bill will of course include a clause bringing to an end the operation of this clause 7. If the Bill is referred to a Select Committee it will consider the Bill in August or September and it will come up before the Council in October or November at the latest. As it is a short Bill it should not take long to receive the consideration of His Excellency the Governor and His Excellency the Viceroy. Sir, this clause is likely to be in effective operation only for a period of possibly six or seven months. My hon. Friend has already drawn attention to the fact that the civil courts will be closed for a large part of that period.

“ As regards the rents for the current fasli, where they are paid in kind, they will have been already paid before the Viceroy’s assent to this Bill is received. There may be cases where rent is paid in money, but we are not interfering with cases where decrees have already been obtained before the Viceroy’s assent is published. The rents for the ensuing fasli are not likely to fall into arrears to any great extent before the Bill which we propose to introduce in July or August is finally disposed of. So, Sir, the effect of this moratorium will not be very great. It has only the effect of preventing any collusive action on the part of the inamdars and the tenants in order to allow suits to be brought in the civil courts thereby recognizing the inamdar’s possession of the kudivaram right and to have those suits decided before we could take this other Bill and dispose of it.

“ It is necessary, Sir, that we should prevent any inroads being made on the rights of both parties, the tenants and the inamdars. And

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this clause carries out that intention in the best way possible. Therefore I am sorry I cannot accept the amendment."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, the amendment proposed is not a very simple one and not a necessary one. I am sorry, the Hon. Revenue Member, instead of answering the points raised, has on the other hand attempted to sugarcoat this bitter bill (laughter) by saying that this is a moratorium and nothing else, that this is not going to last for more than two or three months, as legislation on the subject would soon be introduced, and that we may as well ignore the two years put in there and treat it as merely two or three months. At the same time, like a lawyer pleading for a lesser sentence, after the verdict of the jury has been given, he pleads, 'Look here, during these two or three months the High Court will be in a recess during this period, the District and Sessions Court will also be in recess for almost that period, so there is no cause for alarm.' May I point out to him that he is for the moment forgetting his own revenue courts, that is the Collectors' courts and that the courts under the Estates Land Act do not go on a recess at all? He has practically ignored them altogether."

The Hon. Sir ARCHIBALD CAMPBELL:—"May I point out to my Friend, Sir, that this clause will not affect the revenue courts?"

Sriman M. G. PATNAIK Mahasayo:—"No, it will not affect the revenue courts."

Mr. T. C. SRINIVASA AYYANGAR:—"My Friend, Mr. Patnaik, like the Naiks of old is a doughty champion of the Hon. Revenue Member. (Laughter.) There is no provision made to protect even the just and undoubted rights of the landholders or the inamdars. It is one thing to attempt legislation either to confer rights or to take away rights on their merits but it is wholly another thing that, because certain attempted legislative provisions were not to come to effect, even the rights, which would in any event be available, would have to be suspended.

"Sir, is it contended that the provisions of the clause under consideration is not more extensive than the provisions contained in the Bill passed by the Council on the last occasion? Can it be contended that the ryots were not under the obligation to pay rents and liable to be sued and, if the rents were not paid or the decrees not satisfied, they were not liable to be proceeded against and their holdings sold for the satisfaction of the decree or the arrears of rent?"

"In the Estates Land Act, which is applicable to the zamindar landholder, there are provisions for the sale of holdings by summary procedure and also sale of the holdings in execution of decrees. The landholders can purchase them and when purchased can get into possession ousting the defaulting ryots. All the major inamdars were sought to be brought within the Act by the Bill which was passed by the Council and is now

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returned to the Council for further consideration. By the Bill itself, the provisions for sale of holdings would be available to the inamdars as well. The clause under consideration places the inamdars in a worse position than they would be if the Bill became law by the assent of His Excellency the Governor and of His Excellency the Viceroy.

“ Now, I ask, Sir, is the inamdars to be punished for their temerity in agitating in the matter?

“ Further, the Act and also the Bill recognize the distinction between private land as well as ryoti land. The clause now under consideration does not enable even this distinction to be made.

“ Sir, we are familiar with the cases of proposed legislation and the need for interim emergent remedies and in such cases temporary enactments, very carefully considered and worded, are passed applicable for a short time pending the detailed consideration and the enactment of the permanent legislation, e.g., the Impartible Estates Land Act of 1902. It was a temporary legislation for one year. That was extended for another year again by a special legislation. The permanent Act was passed in 1904; but unlike those Acts, the present clause introduces an arbitrary and a drastic provision without adequate qualifications and placing the inamdars in a far worse position than they would be, even if the Bill were to become law to-day.

“ Sir, I do not think it is just or fair that the amendment proposed by the Hon. the Revenue Member should receive the consent of this House.”

* Sriman M. G. PATNAIK Mahasaya:—“ Mr. President, Sir, so far as the recommitment of this Bill is concerned, it is a well-known fact that the inamdars wanted that this Bill should go back to the Council for reconsideration. Now that the Bill has come before the Council, they cannot say that they do not want any amendment. From the representations made, we are led to believe that they wished that they should have an opportunity to plead before the Council. Whether they had sufficient grounds to think so or not, it is not the business of this Council to decide. Anyhow, His Excellency the Governor came to the conclusion that they should be given an opportunity to place their case before the Council. In the meanwhile the inamdars have begun to eject their tenants, and if further time is given surely they will defeat the provisions of the law. It is therefore just and proper that His Excellency should have safeguarded the interests of the tenants, as he has given an opportunity to the other side. Of course, in such circumstances there cannot but be a little bit of inconvenience to one side or the other. The little bit of inconvenience that is complained of by the inamdars is due to the fact that they have been given an opportunity to plead their cause before the Council, though their case was placed before the Council by men who had the best legal acumen in the Presidency. So, there is absolutely no cause for them to complain when

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somehow or other His Excellency the Governor has granted them what they want. We know, Sir, that this Bill was published on 28th July 1931, and this very clause was then there; and then, of course, in 1933, after the Select Committee's Report was published, we know that there were some amendments, and so the inamdars knew of such provisions as these ever since 28th July 1931. But at the same time they said that they never thought that this Bill would become law. Anyhow His Excellency the Governor accepted their contention and granted them this recommitment. And when once the Bill has come back to this House, it is but want of grace on their part if they say that they cannot wait for a few months with regard to the enforcement of their rights, i.e., the recovery of rents. Of course it is always open to them to go to revenue courts and recover rent; but if they want to sit tight upon their kudi-varam right, let them wait for a few months. Or let them file a suit in the civil court, only the suit is not going to be disposed of within a period of six months. By that time the Bill would be disposed of one way or the other, i.e., by October or November. If that is done, I don't see how there can be any difficulty for them at all. The difficulties pointed out are all imaginary. His Excellency was just both to the tenants and the landlords. Apparently the latter wanted that His Excellency ought to have vetoed the Bill; but unfortunately for them His Excellency held a balanced view in the matter, and came to the conclusion that the interests of both parties should be safeguarded; and so, in my opinion, the inamdars should put up with the little amount of inconvenience that is caused to them."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, no one deplores more than myself on this side of the House that this Council has to reconsider the Bill which it has already passed. On the merits of the question as to the desirability of a Bill, I do not propose to enter. Nor do I want to take this House into the question as to whether the inamdars had or had not sufficient notice of the proposed amendments in the Bill. Standing to-day as the representative of the tenants, I realize that this Bill has been sent back to this House by His Excellency with certain amendments to be accepted by this House. And if we accept those amendments, it is because we feel that in the course he has pursued, he has tried to give a fresh opportunity to the inamdars to put their case. We are thankful to the Hon. Revenue Member for stating that a Bill will be introduced in July next or as early as possible in this Council on the lines as it is expected to be passed by this House. Standing as I do as the representative of the tenants, I feel, Sir, that the cause of the ryot is so right and so superior to that of the rest that I have no doubt that, even if the Bill is reconsidered on the lines suggested by the inamdars, there will still be a good cause for the tenants. At the same time we have thought that His Excellency, in sending back this Bill, has given the inamdars their former rights during the period of the passage of this Bill.

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“ So far as this clause is concerned, it provides against ejectment suits being instituted. Secondly it provides for the prevention of judgments being passed either *ex parte* or conclusively in the interim period of the passage of this Bill. You will also see that where suits are filed for the recovery of rent through revenue courts, that right is kept intact. So there will be no difficulty in recovering arrears of rent. But in cases where suits are filed in the Munsif's court; there however, the issue will involve the safeguarding of the rights of the tenant. In such cases the proceedings will be stayed. It may be that in such cases both parties might have to spend a lot of time and a lot of money, which after all may not be worth while in view of the amending Bill. It may be also that in some cases the tenants are *ex parte* and that an eviction order might have been issued under a mistake and the tenant might not care for it.

“ Or it may be, as the Hon. the Revenue Member put it, that the landlord is able to obtain a decree in the civil court involving a decision that it is not an estate. I think the Government are right in anticipating the difficulties. I am sure if any such case arises, when the Bill is taken up for consideration two or three months hence, there will be again representation on behalf of the inamdars that they had obtained decrees before that Bill and all the decrees and decisions obtained prior to that Bill must remain sacrosanct. I think there may be some inconvenience so far as rent suits are concerned. But that will not justify the deletion of the particular words that are mentioned in this amendment. As the Hon. the Revenue Member said the question of relationship between the inamdar and the tenant is going to be decided within five or six months. It is not therefore too much for the tenants to expect that the *status quo ante* should be maintained until that time and that all suits which would go to prejudice the cause of the tenants should be stayed till then. The official amendment cannot be said to be detrimental to the cause of the inamdars. On the other hand, it is advantageous to them. The saving that would be made by them in the way of collecting rents would not be more than a few hundreds. By the time this Bill becomes law and is given effect to they would have recovered their share of rent. I think nobody will be justified in complaining that one will have to incur some expenditure by way of court cost and other things if these proceedings are stayed for some time. For these reasons the omission of these words would not really conduce to the interests of both the parties and I urge that the official amendment may stand as it is.”

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Rao Bahadur Sir A. P. PATRO:—“ Sir, in the interests of both the inamdars and the tenants the objection raised by my hon. Friend, Mr. K. R. Venkatarama Ayyar, should not be allowed. The main force of the contention of the inamdars was that there was not sufficient

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time for consideration of the issue whether or not kudivaram right should be vested in the inamdar. So they did not propose to discuss that question then and it was said that it was sprung upon them. In spite of the fact that in the definition of 'Estate' the whole inam village was included in the draft Bills prepared by Sir K. Srinivasa Ayyangar and Sir C. P. Ramaswami Ayyar, His Excellency the Governor thought that sufficient opportunity should be given to inamdars to place their views before the public and this House. If the amendment of Mr. K. R. Venkatarama Ayyar is to be allowed, the result will be that courts will be flooded with suits during the interval and the kudivaram right of the tenants will arise for decision, and the ryots will be helpless. To avoid hasty filing of suits by the inamdars and also in the interests of the inamdars as well as the ryots, this motion should not be allowed.

"It is stated that rent suits would be postponed. It is only in cases where the issue of kudivaram right has been raised that suits will be postponed. It has been very clearly stated by the Hon. the Revenue Member that no hardship will be caused to the inamdars by postponing the cases for a few months. He assured this House that at the very next sitting of the Council a Bill would be brought forward defining the relationship between the inamdar and his tenant.

"For these reasons I submit there is no force in the argument of the Opposition Member that those words should be deleted."

Mr. P. C. MUTHU CHETTIYAR spoke in Tamil as follows:—

"கனம் அக்கிராசனாதிபதி அவர்களே ! சென்னை எஸ்டேட்ஸ் ஊண்டு ஆக்டில் இனாம்தார்களின் சொத்துக்களை பரிமுதல் செய்ய வந்த ஆலோசனையை சென்னை கனம் தங்கிய கவர்னரவர்கள் கனிகூர்ந்து நிரூபித்தார்கள். ஆனால் அதில் இன்னம் இரண்டு வருஷத்தில் வேறு சட்டம் கொண்டுவருவதாக சொல்லி யிருக்கிறார்கள். அதைப்பற்றி இப்போது விவாதமில்லை. எப்போது ஒரு சட்டம் வரப்போவதற்காக ஓர் அபிப்பிராயம் கொண்டு இப்போது இன்ஜன்ஷன் கேப்டுபோல் செய்வது கொஞ்சமும் பொருத்தமில்லை. இனாம்தார்களை யார் என்ன கொள்ளையடித்தாலும் சும்மா இரு என்று சொல்லுவதற்கு ஒரு அமெண்டுமென்ட் வேண்டிய ரிசல்யூஷன் ? பிறகு சட்டம் வரும்பொழுது அந்த கால நிலைமை என்ன. அப்போதிய கவர்னர் வைசியராய் மற்றுமுரிய அதிகார வர்க்கத்தினர்கள் யார் யாரோ. கவுன்சில் மெம்பர்கள் நிலைமை எப்படியோ அதை இப்போது எப்படி அறிய முடியும். சட்டம் வரப்போகிறது என்பதற்கு முன்னாடி இஞ்சன்ஷன் மாதிரி முரணாகவும் அர்த்தமில்லாமலும் ஆலோ சனைக்கு இடமில்லாமலும் திடீரென புதிதாக ஒரு கிளாஸ் அமைக்க எண்ணுவது இதற்கு எந்த சடங்குகளும் தேவையில்லையா ? இவ்விதம் அபிப்பிராயங்களை இஷ்டப்படிக்கும் பொருத்தமில்லாமலும் ஜன சமூகத்துக்கு இருக்கும் நம் பிக்கைக்கு அன்னிதாவாக கொண்டுவருவதுவநியாயமில்லை. சட்டம் வரப்போ வதற்காக முன் யோசனையாக ஒரு பைண்டோவர் செய்வது என் அனுபவத்தில் டெல்லிஸ்சேரில் இல்லை. இம்மாதிரி செய்வதானது சட்ட விருத்தமாகயிருக் கிறது.

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ஒருவர் சொத்து ஒருவருக்கு சேரவேண்டியது என்பது இக்கால சகஜமாய் காணுகிறது. அதற்கு நாமே காரணமாவது கூடாதாயினும் முறையாக செய்வது உசிதமல்லவா.

இவைகளை யோசித்து இந்த ஆலோசனையை நிரூபித்திருக்கவேண்டியதாய் தெரிவிக்கிறேன்.”

Mr. G. SIMHACHALAM PANTULU:—“ Neither in the answer nor the statement made by the Hon. the Revenue Member nor in the speeches of hon. Members who have spoken opposing this motion do I find an answer to the simple question as to why the inamdar should be placed in a worse position. That is the question raised by my hon. Friend Mr. T. C. Srinivasa Ayyangar. By introducing this Bill it is not our purpose to make the position of the inamdar worse. That question has not been answered. I do not understand the feverish haste with which the Hon. Gentleman, the Revenue Member, wants to get this Bill rushed through. It is neither diplomacy, nor wisdom. After all, for the protection of whose rights these people are fighting? It is for the protection of the inamdars. The inamdars are probably more influential members of the public. Hon. Members are well aware of the feelings among prominent inamdars of this Province. They have taken such a long time and so much trouble to collect all statistics and place a memorial before His Excellency the Governor, and he was definitely satisfied with the grievances of the inamdars and so he has returned the Bill for reconsideration. But what is to become of the right for which they have been fighting for a long time? The Bill was returned on account of certain technical difficulties. But from the outset, when the Bill was referred to a Select Committee, my humble self was ever urging for the exclusion of inams from the definition of ‘ Estate ’ and the Hon. the Revenue Member specifically told me that the *agraharams* would not come under the definition of ‘ Estate.’ It is on that assurance that we proceeded with the Bill. What is the advantage that has come to the inamdars? In 24 hours the Government got the sanction of His Excellency the Viceroy and went on with the Bill. It is not giving any facilities to the inamdars. Therefore, I would request the Hon. the Revenue Member to allow some time and also see that proper notice of amendments is given to the Members and the amended provisions dealt with properly. I, therefore, appeal to the Hon. the Revenue Member to reconsider the matter and view the question with some sympathy. The representations now made and the points raised by hon. Members on behalf of the inamdars must induce the Hon. the Revenue Member to allow us some time so that we may once again equip ourselves with proper materials and propose suitable amendments.”

The Hon. Sir ARCHIBALD CAMPBELL:—“ On a point of explanation, Sir. I have no recollection of making any statement that the definition of ‘ Estates ’ would not include *agraharams*.”

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* Mr. A. RANGANATHA MUDALIYAR:—"I object to the amendment proposed by my hon. Friend, Mr. K. R. Venkatarama Ayyar, on general grounds, viz., that we should not consider any amendment other than those sent by His Excellency the Governor. My reasons are these: if my hon. Friend, Mr. T. C. Srinivasa Ayyangar, feels that the amendments proposed by His Excellency the Governor are going to make the position of inamdars worse, the inamdars have to thank themselves for it. I warned that it is not wise to invoke the extraordinary powers of His Excellency the Governor in a matter which affects us. It would have been far better to have deliberated and discussed these things and come to an arrangement among ourselves rather than have invoked the extraordinary powers of His Excellency the Governor. Apart from that we have to consider the present situation. His Excellency the Governor thinks that some amendments are necessary before he would give assent to the Bill being passed into law. Personally I feel that the procedure followed by His Excellency in this case is not a thing which should commend itself to us."

1 p.m. "The Council as a whole passed that measure and I presume the Hon. Member in charge of the Bill had the full support of his Colleagues on either side and had consultations also with His Excellency the Governor before he accepted the amendment which has been the cause of all this trouble. Having gone through all that, to say now that the matter should be reconsidered is a deliberate flouting of the opinion of this House for which there is no justification. Therefore, if we now consider and accept amendments other than those recommended by His Excellency, His Excellency may make this a reason for remitting the Bill to us again for further consideration. Therefore, to avoid all this, it is best that we confine ourselves to those amendments which have been recommended to us by His Excellency the Governor and not take up the time of the House in considering even the amendments of my Hon. Friend, Mr. Patnaik, or other amendments from either side of the House."

* Mr. K. R. VENKATARAMA AYYAR:—"Mr. President, Sir, certain points have emerged in the course of this discussion. The Hon. the Revenue Member has, I think rather frankly, made it clear that the effect of this sub-clause in the form in which it has been brought forward on behalf of the Government is practically to concede to the tenants a moratorium in respect of the rents due from them. The question is: On what principles of justice or fairplay is this moratorium granted for however short a time to the tenants? If moratoriums were deemed fit to be enacted for the protection of the various debtors in our Province who sadly stand in need of such protection and if a general moratorium in favour of all debtors were statutorily enacted, I could understand inamdars' tenants also coming in for a share of the benefit of such a moratorium. But when, notwithstanding the acute economic crisis that obtains and the absolute inability of numerous debtors in the country to pay their

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debts, the Government have not seen their way to grant any such legislative moratorium for the benefit of other classes of debtors, where is the justification for granting a moratorium to the inamdars' tenants alone in respect of admitted dues?

"Another point that has been mentioned by the Hon. the Revenue Member is that, although in this section a whole period of two years running from 1st November 1933 has been set down, really it will not turn out to be in practical effect the full period of two years. For, some time will be taken up before the Viceroy's assent is received and that will be a deduction from the whole period of two years and if the next Bill becomes law by the end of this year,—practically this clause will have to be dealt with as part of the new Bill and the rights will ultimately be settled by the new Bill as between inamdars and their tenants—the difficulty of there being no forum being available for rent suits will be confined to a shorter period than two years. But even viewing it in that way, where is the justification for closing the doors of all courts for a class of His Majesty's subjects in respect of their admitted rights? Where is the justification for one class of debtors alone being specially favoured? That question has remained so far unanswered and there can be no answer and that is why it remains unanswered. It was rather extraordinary, Sir, that the Hon. the Revenue Member suggested that during this period there might be collusive actions in which the inamdars' tenants might play into the hands of the inamdars against their own interests and the object of this legislation was to afford protection to this class of tenants against their own suicidal collusive actions. I wonder if really all that you care for is to protect these tenants. Are you not making yourselves more than partisans by trying to give them protection even against their free will?

"Again, the hon. Member, Mr. Patnaik Mahasaya, said that the real object of this clause is to make it possible that rights conferred hereafter by the new Bill upon the cultivating tenants might effectively come into operation and might not be forestalled by anticipatory evictions brought about during the interval. Sir, what really does this argument on analysis come to? The argument comes to this. Hereafter by a new legislation, it may turn out that inamdars' tenants may be conferred occupancy rights. Therefore even in cases in which these occupancy rights are now found to vest in the inamdars themselves, let the inamdars stand deprived of them by way of anticipation even from 1st November 1933, in order that a new class of people might have the opportunity of getting those rights by fresh legislation. In other words, protection is afforded for future rights hereafter to be created by withdrawing the protection from rights which already exist under the law. Sir, it is a strange way of affording protection to legal rights by withdrawing the protection from existing legal rights in order that the line may be made clear for the creation of future rights.

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"Sir, both my Friend, Mr. Muniswami Nayudu, and the Hon. the Revenue Member employed language in the course of their speeches this morning calculated to give the impression that the intention of the Government is merely to introduce a Bill repeating identically the very amendments which were passed by a majority of this House in November last. If that is really the intention of the Government and that is going to be the Bill that is going to be brought forward early next session, I wonder what benefit is gained, or what purpose is served by the remit of this Bill this time by His Excellency and by His Excellency's refusal to assent to the amendments that have been passed? Well, my hon. Friends on the other side probably feel that they have a better opportunity of diving into the mind of His Excellency and knowing exactly what Bill is intended by His Excellency to be brought forward next time. But if really the object is only to repeat the amendments which were passed by a majority last November as fresh clauses in a new Bill, knowing as we do that there is the same voting strength in this House for the same clauses over again, I think that the remedy, in so far as the expropriatory character of the legislation is concerned, would be found in His Excellency withholding his assent to the Bill once again. A perusal of His Excellency's message will show that His Excellency is making no pronouncement one way or the other on the question of the expropriatory character of the amendments which were carried by a majority. Therefore, if merely the procedure has been found to be faulty and the expropriatory character was not the reason for the withholding of his assent, I think very little purpose is gained by withholding his assent. Unless care is taken in bringing forward the new Bill so to frame it as to give effect to the apparent considerations which underlay His Excellency's refusal to assent to the amendments, that is to say, remove the expropriatory character of the amendments recently passed, there is absolutely no good if the same feature reappears again in the new Bill. The only remedy will again be the refusal of assent over again by His Excellency.

"My hon. Friend, Mr. Ranganatha Mudaliyar, said that long ago he had stated that the inamdars would not be well-advised and would not be right in taking the matter from this House to His Excellency the Governor for the exercise of his special powers to withhold his assent and added that if the position was now found to be worse than if His Excellency had not refused assent, the inamdars must thank themselves for it. Well, it really means that the spokesmen on the other side are determined about it that this interval shall not be availed of for the purpose of enabling the Government to bring forward a better piece of legislation but only for bringing forward after some time the same amendments as parts of another Bill. If so, I think the other side is trying to show that they know much more of His Excellency's mind than others. It is not as if we on our side know what has been in His Excellency's mind. But if it is only intended that the same amendments should be considered over again

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and not amendments calculated to deprive the legislation of its expropriatory character, then, I say that the proper course would be not to bring this Bill forward before this House but to make it an issue before the country so that the electorate might give its mandate to the members. It is only a House so constituted that can pronounce finally and fairly upon the issue placed before it. I have pointed out the abnoxious features in the Bill before us, namely, the granting of a moratorium for one class of debtors alone in this country and the outlawry, as it were of one class, of His Majesty's subjects, namely, the inamdars owning 5,000 villages. This outlawry is absolutely unjustified and that is what is practically being forced on us as a result of retaining the proposed sub-clause and rejecting my modest amendment to it. If that is going to be the verdict of this House, I want Members who make themselves responsible for it, especially the elected Members, to remember that they will have to face the country so far as this issue is concerned."

The amendment of Mr. Venkatarama Ayyar was put to the House and declared lost.

A poll was demanded and the House divided thus:

Ayes.

- | | |
|---------------------------------|-----------------------------------|
| 1 Dr. P. Subbarayan. | 9 Rao Bahadur P. C. Muthu Chetti- |
| 2 Mr. Yakub Hasan. | yar. |
| 3 " K. R. Venkatarama Ayyar. | 10 Mr. Basheer Ahmed Sayeed. |
| 4 Rao Bahadur T. A. Ramalingam | 11 " C. C. Subrahmanya Bhatt. |
| Chettiyar. | 12 The Pattagar of Palayakottai. |
| 5 Mr. T. C. Srinivasa Ayyangar. | 13 Mr. P. Peddi Raju. |
| 6 " V. T. Arasu. | 14 " Ahmed Meeran Sahib. |
| 7 " A. B. Shetty. | 15 " G. Simhachalam Pantulu. |
| 8 " B. Pocker Sahib. | |

Noes.

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|--|--|
| 1 The Hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 17 Mr. M. D. T. Ranganatha Mudali- |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | yar. |
| 3 " Sir Archibald Campbell. | 18 " V. M. Ramaswami Mudaliyar. |
| 4 " Sir Hopetoun Stokes. | 19 " T. Narasa Reddi. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 20 Rao Bahadur A. T. Pannirselvam. |
| 6 " the Raja of Bobbili. | 21 Mr. G. Ranganatha Mudaliyar. |
| 7 " Mr P. T. Rajan. | 22 Khan Bahadur Yahya Ali Sahib Bahadur. |
| 8 Mrs. K. Alamelumangathayaramma. | 23 Mr. M. Devadasan. |
| 9 Diwan Bahadur V. N. Viswanatha Rao. | 24 Rao Sahib N. Siva Raj. |
| 10 Mr. J. A. Thorne. | 25 Subadar-Major S. A. Nanjappa Bahadur. |
| 11 " H. M. Hood. | 26 Rao Bahadur R. Srinivasan. |
| 12 Diwan Bahadur N. Gopalaswami Ayyangar. | 27 Rao Sahib V. I. Muniswami Pillai. |
| 13 Mr. R. Madanagopal Nayudu. | 28 Mr. M. Vedachala Mudaliyar. |
| 14 " E. Conran Smith. | 29 " G. Sriramulu. |
| 15 " T. Sundara Rao Nayudu. | 30 " P. C. Moses. |
| 16 Khan Sahib Syed Tajuddin Sahib Bahadur. | 31 " P. V. Rajagopal Pillai. |
| | 32 " V. G. Vasudeva Pillai. |
| | 33 " P. K. Ramachandra Padayachi. |
| | 34 Rao Sahib V. Dharmalingam Pillai. |
| | 35 The Zamindar of Mirzapuram. |
| | 36 Mr. M. A. Muthiah Chettiyar. |

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Noes—cont.

37 Mr. A. V. Bhanoji Rao.	55 Mr. P. V. Krishnayya Choudari.
38 „ K. M. Duraiswami Reddi.	56 Sriman M. G. Patnaik Mahasayo.
39 Swami A. S. Sahajanandam.	57 The Zamindar of Chemudu.
40 Mr. H. M. Jagannatham.	58 Mr. C. Indrayya.
41 Rao Bahadur D. Krishnamurti.	59 „ H. B. Ari Gowder.
42 Rao Sahib P. Subrahmanya Chetti.	60 „ G. R. Premayya.
43 The Zamindar of Kirlampudi.	61 „ K. Pattabhiramayya.
44 Rao Sahib C. Jayaram Nayudu.	62 „ P. M. Thangal.
45 Diwan Bahadur A. Appadurai Pillai.	63 Rai Sahib C. Kolanda Reddi.
46 Rao Sahib D. V. Narasimhaswami.	64 Rao Bahadur R. K. Venugopal Nayudu.
47 „ Pandit Ganala Ramamurti.	65 Sir A. P. Patro.
48 Mr. K. Kesava Ramamurti Nayudu.	66 Rao Bahadur C. Natesa Mudaliyar.
49 „ A. Ramakrishna Reddi.	67 The Maharaja of Venkatagiri.
50 „ Sami Venkatachalam Chetti.	68 Mr. M. B. Rangaswami Reddi.
51 Diwan Bahadur B. Muniswami Nayudu.	69 „ C. Basu Dev.
52 Mr. K. P. Raman Menon.	70 „ F. Birley.
53 „ M. S. Sreshta.	71 „ J. K. Metherell.
54 „ A. Ranganatha Mudaliyar.	72 „ C. Krishnan.
	73 „ W. W. Ladden.

Neutral.

1 Mr. M. A. Manikkavelu Nayakar.

Ayes 15. Noes 73. Neutral 1.

The amendment was lost.

1-15
p.m.

* Mr. K. R. VENKATARAMA AYYAR:—“ Sir, I now move my second amendment:—

*“ In the said sub-clause add the following after the words “ shall be liable to be ejected until the first day of November 1935 ” :
“ except on the following grounds, i.e.,*

- (1) that the tenant has wilfully denied the title of the landlord before the date of such suit,*
- (2) that the tenant has intentionally and wilfully committed such acts of waste as are calculated to impair materially and permanently the value or the utility of the holding for agricultural purposes,*
- (3) that the tenant has not paid within three months after the due date the whole or any portion of the rent due in respect of the holding,*
- (4) that the tenant has collusively allowed a stranger to encroach on the holding or part thereof adversely to the interests of the landlord,*
- (5) that at the end of an agricultural year the landlord requires the holding bona fide for his own cultivation or for that of any member of his family, and*
- (6) that at the end of an agricultural year the landlord requires the holding or part thereof bona fide for building purposes for himself or any member of his family ”.*

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These clauses have been modelled upon, and adopted word for word from, the corresponding clauses of section 14 of the Malabar Tenancy Act. This House, after great care and mature consideration, adopted this clause as necessary in the interests of Malabar landholders as against the tenants, who did not deserve in particular instances for faults of their own, to be continued any longer in the position of the cultivators of the land. After all it cannot be the object of this Legislature arbitrarily to put property in one class of persons by depriving another class of persons of it. Apparently with the object of furthering agriculture and sound husbandry, rights of occupancy or fixity of tenure are sought to be conferred on the cultivating tenants; provided that object is secured in a wholesome manner, it certainly is a worthy object, worthy of being achieved. But if the tenant in his turn abuses the privilege conferred upon him in any one of the many ways indicated in this amendment—for example by denying the title of the landholder under whose grant or under whom he has his existence, or if he wilfully commits acts of waste and thereby injures and not furthers the cause of good husbandry or agriculture—then certainly to retain such a man in further possession of the land is a danger. He abuses the fixity of tenure. Similarly it is due to the landholder and it is but fair play to him that he should have his rent duly paid to him. If any default is committed in this respect and after a further respite of three months also allowed, if this default is not rectified, then such a tenant appropriates the fruits not only legitimately due to him but also misappropriates the share of the landholder. Considerations such as these have resulted in the enactment of a similar clause as part of section 14 of the Malabar Tenancy Act. If the tenant collusively allows a stranger to encroach on the holding adversely to the interests of the landholder, the law which gives immunity to the encroacher by the favour of the tenant, is a lamentable law indeed. Therefore a collusive encroachment also has to be provided against by permitting eviction of such tenants."

* The Hon. the PRESIDENT :—" The hon. Member may continue after lunch."

IV.—HIS EXCELLENCY THE GOVERNOR'S ADDRESS.

At this stage HIS EXCELLENCY THE GOVERNOR arrived at the Council Chamber and addressed the House as follows :—" Mr. President, and Hon. Members of the Legislative Council—

" When I last addressed the Legislative Council, I think there was a general hope that we had reached or nearly reached the end of the economic depression, and that recovery although it might be slow would be none the less sure. That hope, I regret to say, has not yet been fulfilled. Although the downward trend appears to be arrested, there are at present no signs of any immediate recovery, even a partial one, in agriculture, the main industry of this Province, though